IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 995 OF 2007.

Hindurao Govindrao Kshirsagar
and others. ... Petitioners.

Versus.

Smt.Balubai Hanmant Kshirsagar
and others. ... Respondents.

Shri Pramod Kathane i/by Shri Kuldeep S.Patil for the Petitioners.

CORAM : ABHAY S.OKA, J.

DATED : 21st February, 2007.

P.C.:

1. Heard the learned Advocate appearing for the Petitioners. The Petitioners are some of the Defendants in a suit filed by the 1st Respondent for partition and separate possession. By the impugned order, the trial Court has recorded a finding that the 1st Respondent is a destitute and therefore, she is entitled to maintenance. The original Defendants Nos.1 to 3 are directed to pay only a sum of Rs.250/- per month as interim maintenance to the 1st Respondent from the date of the Application. The order has been passed on prima-facie consideration of the material on record. No case is made out for interference in the petition under Article 227 of the Constitution of India. Petition is rejected. It is, however, made clear that the amount of maintenance ordered to be paid to the 1st Respondent will be taken into consideration for adjusting the equities while effecting partition, if any, of the properties.

Judge.